

**AMENDMENT TO THE
JANUARY 1, 2014 RESTATEMENT OF THE
TEAMSTERS LOCAL 830 RETIREMENT SAVINGS PLAN**

ADP Test

WHEREAS, the Teamsters Local 830 Retirement Savings Plan was amended and restated effective as of January 1, 2014; and

WHEREAS, Article 2, Section 2.09 of the Plan provides that the Trustees may amend the Plan; and

WHEREAS, the Trustees desire to amend the Plan to make clear its interpretation regarding how to conduct the actual deferral percentage ("ADP") test, as set forth in Section 9.08;

WHEREAS, the Trustees have consistently interpreted Section 9.08 to provide for testing on an employer by employer basis, or, alternatively by aggregating employers based on the collective bargaining agreement under which they are covered;

WHEREAS, the Trustees' have historically interpreted Section 9.08 in such a manner, because although Section 9.08 references the definition of Limitation Employer (in Section 9.04, which treats all contributing employers as a single employer for Section 415 purposes), it also provides that the ADP test "will be applied to *each* Limitation Employer" (emphasis added), and the exceptions set forth in Section 9.08, which are applicable to "*a* Limitation Employer" (emphasis added), are drafted in a manner that does not require the aggregation of all contributing employers;

WHEREAS, because the Trustees have interpreted Section 9.08 to not require the aggregation of all contributing employers for purposes of the ADP test, they have interpreted the Plan to provide that such testing is to be performed separately with respect to each group of employers that are part of a bargaining unit;

NOW, THEREFORE, to clarify its historical interpretation of the Plan, it is hereby resolved effective as of January 1, 2021, Section 9.08 ("Actual Deferral Percentage Limit") is hereby amended to read as follows:

"The rules in this section will be applied to each Employer under the Plan. For purposes of this Section 9.08, the term "Employer" shall mean each individual Employer, or collectively, a group of Employers who are covered by the same Collective Bargaining Agreement. The amount of Optional Contributions under this Plan and all other Plans, contracts or arrangements of an Employer for any Highly Compensated Employee of the Employer shall not exceed the lower limit under (a) or (b) for the taxable year of the Employer except as provided in (c), (d) or (e).

(a) One limit equals the Average Actual Deferral Percentage for Eligible Employees who are not Highly Compensated Employees for the Plan Year multiplied by one and one-quarter (1.25).

(b) The alternate limit equals the Average Actual Deferral Percentage for Eligible Employees who are not Highly Compensation Employees for the Plan Year multiplied by two (2). It may only be used if the Average Actual Deferral Percentage for Eligible Employees who are Highly Compensated Employees does not exceed the Average Actual Deferral Percentage for Eligible Employees who are not Highly Compensated Employees by more than two percentage points (2%) or such letter amount as the IRS may prescribe to prevent the multiple use of this alternative limitation with respect to any Highly Compensated Employee.




(c) This limit does not apply to an Employer who participates in the Plan as a "simple 401(k) plan" under the IRS Revenue Procedure 97-9.

(d) This limit does not apply to an Employer whose annual Employer Contributions to the Plan for all Eligible Employees (other than Highly Compensated Employees) equal or exceed three percent (3%) of the Compensation.

(e) The provisions of the Code §401(k)(3) and IRS Regulation Section 1.401(k)-1(b), (g) are incorporated by reference into the Plan and any Participation Agreement."

IN WITNESS WHEREOF, the Trustees have caused this amendment to be executed as of this 16th day of ~~September~~ 2021.

EMPLOYER TRUSTEES

UNION TRUSTEES

